

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND

IN RE: * Case No. 11-28267

DENNIS J. MCCARTHY, III *

Debtor *

Chapter 7

* * * * *

DENNIS J. MCCARTHY, III *

520 Stanhorme Drive *

Glen Burnie, MD 21061 *

Movant *

VS. *

Adversary No. *

STATE OF MARYLAND CENTRAL COLLECTIONS

300 West Preston Street, 5th floor *

Baltimore, MD 21201 *

SERVE ON : *

JAMES G. DAVIS, ESQUIRE *

OFFICE OF THE ATTORNEY GENERAL

300 W. Preston Street, Room 407 *

Baltimore, MD 21201 *

Respondent *

* * * * *

COMPLAINT TO AVOID AND TO RECOVER PREFERENTIAL TRANSFER

_____Dennis J. McCarthy, Plaintiff, by and through his attorney, Edward A. Derenberger, Esquire, sues **STATE OF MARYLAND CENTRAL COLLECTIONS**, Respondent, and states that:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334, being a case arising under Title 11, United States Code; and under 28 U.S.C. §157, which provides for referral of cases arising under Title 11 to the bankruptcy judges of the District.

2. This is a "core proceeding" within the meaning of 28 U.S.C. §157 (b2F) and (b2k), being a complaint to avoid a lien and recover a preferential transfer which impairs Debtor's exemptions.

3. This is an adversary proceeding within the meaning of Bankruptcy Rule 7001(1) and (2) and a matter over which this Court has jurisdiction pursuant to 28 U.S.C. Section 1471.

4. The Plaintiff (referred to hereafter as Debtor) filed a voluntary petition under Chapter 7, Title 11, U.S.C. on September 9, 2011.

COUNT I

Avoid and Recovery Preferential Transfer

5. That the Debtor incorporates paragraph 1-4 in to this Count.
6. That in accordance with applicable law, the Debtor claimed as exempt \$1,499.52 that was paid to **STATE OF MARYLAND CENTRAL COLLECTIONS**, within 90 days of the filing of bankruptcy.
7. That the Respondent received a transfer of \$600.00 or more on account of its, unsecured, antecedent debt.
8. That the transfer of \$600.00 or more occurred within 90 days of the filing of the voluntary bankruptcy by the Debtor.
9. That the transfer of the \$600.00 or more impairs the exemptions to which the Debtor is entitled.
10. That the aforesaid transfer to the Creditor was on account of an antecedent debt owed by the Debtor prior to the transfer, made while the debtor was insolvent and within a year before the date of the filing of the Petition, and this enabled the Plaintiff to recover more than it would have received if such transfer had not been made.

WHEREFORE, the Debtor (Plaintiff) prays for relief as follows:

1. That judgment be entered against the Respondent, **STATE OF MARYLAND CENTRAL COLLECTIONS**, ordering that the transfer of \$1,499.52 or more be set aside and ordering the Respondent to pay over said proceeds to the Plaintiff;
2. For such other and further relief as the nature of his cause may require.

/s/ Edward A. Derenberger
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